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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alejandro CABRERA-Rosales,

Defendant

08 APR 7 AM 10:54

Magistrate Docket No.

08 MJ 1053

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:

DEPUTY

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **April 6, 2008** within the Southern District of California, defendant, **Alejandro CABRERA-Rosales**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

LP all 4

SIGNATURE OF COMPLAINANT

Ismael A. Canto

Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 7th DAY OF APRIL 2008


Ruben B. Brooks

UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:

Alejandro CABRERA-Rosales**PROBABLE CAUSE STATEMENT**

On April 6, 2008 Border Patrol Agent J. Lahart was performing line watch duties, in the Zone 45 area of responsibility in Campo, California. Agent Lahart was working in an area located 18 miles east of the Tecate, California Port of Entry and approximately 10 mile north of the U.S./Mexico International Boundary. Agent Lahart responded to an activation of a seismic intrusion device. The intrusion device is located in an area that is frequented by persons trying to facilitate their illegal entry into the United States. Upon arrival in the area, Agent Lahart found fresh footprints that had crossed the road he was driving on. Agent Lahart began to follow the footprints north, where he found one individual attempting to conceal himself in the surrounding brush near the Golden Acorn Casino. The individual was later identified as the defendant **Alejandro CABRERA-Rosales**.

Agent Lahart immediately identified himself as a United States Border Patrol Agent and questioned the individual as to his citizenship. The defendant readily admitted to having entered the United States illegally without any immigration or travel documents that would allow him to be in, or remain in the United States legally. The defendant also admitted to being a native and citizen of Mexico. At approximately 8:10 a.m., the defendant was arrested and transported to the Campo Border Patrol Station for further processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on January 8, 2008 through San Ysidro, California**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was advised of his Miranda rights. The defendant stated that he understood his rights and was willing to answer questions without an attorney present. The defendant admitted that he is a citizen and national of Mexico illegally present in the United States.